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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000773

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SUBJECT: NEPAL: MAOISTS, MPRF, AND GON ALL BLAMED FOR GAUR  
MASSACRE

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary  
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¶1. (U) In an April 12 briefing for the diplomatic corps, Lena Sundh, Country Representative for the Office of the High Commissioner for Human Rights (OHCHR) in Nepal, held the Maoists, the Madhesi People's Rights Forum (MPRF), and the Government of Nepal (GON) all culpable in the March 21 massacre of 27 people in Gaur, a city in the Terai, near the border with India. Sundh also outlined OHCHR's new mandate as recently signed by the GON.

Preparation for the Mass Meetings  
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¶2. (SBU) In a briefing for the diplomatic corps on April 12, Lena Sundh, Country Representative for OHCHR, shared the results of OHCHR's investigation into the clash between Maoist and MPRF cadre in Gaur, Rautahat District, on March

¶21. The OHCHR Protection Officer in Charge of the investigation, Andrew MacGregor, stated that the MPRF had planned a mass meeting on that date in Gaur, and subsequently the Maoist-affiliated Madhesi Mukti Morcha (Madhesi Liberation Front) (MMM) also organized a rally for the same time and place. MPRF cadre said that, given past efforts by the Maoists to interfere with MPRF events, the MPRF had taken security precautions so as not to be defenseless against the Maoists. Those preparations included stockpiling "batas," heavy bamboo sticks pointed at one end that can be lethal. The MPRF had planned to use force if needed. The Maoists, however, were much less organized in their preparations. About 100-150 members of the Young Communist League (YCL) and the MMM planned to attend the Maoist rally. Many of the YCL members had backpacks, some with pistols and socket bombs.

GON Refuses to Prepare  
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¶3. (SBU) MacGregor said that people in Gaur, including the Nepal Police, knew that trouble between the two groups was highly likely. On March 17, the police had requested 100 extra officers from the regional headquarters in Hetauda to

help control the situation. The headquarters told them it would provide more officers if the police in Gaur paid for them. Given that option, the police commander in Gaur opted not to pay for additional officers. The day prior to the rally, the district security commission had met to discuss the potential for violence, but the commission had focused on security and protection of government property. It claimed afterwards to have tried to avert trouble by running back channel communications between the MPRF and the Maoists. The Maoists, however, had not been interested. MacGregor qualified this effort by the police as "half-hearted at best."

#### Day of the Rallies: Tensions Run High

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14. (SBU) On the day of the rally, more than 1,000 MPRF supporters arrived at the venue, MacGregor continued. While the leaders of the MPRF addressed the crowd, Maoist cadre began to march toward their own rally site, located close to the MPRF site. Young men walked over and began vandalizing the Maoist stage. There was no violence against individuals. From the MPRF stage, the leaders appealed for calm and for the youths to stop the attack on the Maoist stage. The appeals were not heeded.

#### Maoists React to Vandals

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15. (SBU) MacGregor said that, within a few minutes, word had gotten to the Maoists who were on their way to their rally site that the MPRF had vandalized their stage. Immediately, about 100 Maoist cadre, mostly YCL, charged toward the MPRF

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stage. At least one gunshot and explosion occurred at that time, and it appeared the first shot came from the Maoists. There were also credible reports that the Maoists were using slingshots and throwing rocks into the MPRF rally.

#### Chaos Ensues

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16. (SBU) MacGregor said that people attending the MPRF rally dispersed rapidly. The Maoists tried to attack the MPRF stage, but were held off by MPRF "security". Police claimed that they fired into the air to disperse the crowd but OHCHR could not confirm this (and indeed there were only 14 police officers at the field). The Madhesi crowd then returned in even larger numbers and began attacking the Maoists. Six people (five males and one female) were killed at the site, all Maoists. The Maoists retreated when they saw the situation was spiraling out of their control. While fleeing, some discarded backpacks, some containing ignition devices, slingshots and, in at least one case, a handmade pistol. One incident was reported where Maoists were refused refuge in a local house, pulled out a socket bomb and threw it into the house. The bomb did not detonate. One death took place outside an Armed Police Force (APF) barracks, where at least 30-35 officers were on active duty at the time. OHCHR said that there was no conceivable way the APF could not have witnessed the murder, but the officers on duty did nothing.

#### Fleeing Maoists Massacred

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17. (SBU) MacGregor stated that the MPRF cadre pursued Maoists who fled to neighboring villages. However, he noted that many of the killings of Maoists outside the rally site were committed by local villagers who "hated" the Maoists. In one case, 11 Maoists were captured and then executed a half hour later in one village. A total of 27 people were killed in the clash, most of them Maoists.

#### GON Failed to Protect

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¶8. (SBU) OHCHR stressed that the state "utterly failed in its duty to protect" its citizens. There were 358 police on duty in the Rautahat District on the day of the incident; however, only 14 had been dispatched to the site of the two rallies (the rest were at their bases or guarding buildings). As of the date of the briefing, the Government of Nepal (GON) had called for a commission to investigate the incident, but no one from the commission had yet been to the site.

#### Maoists Provoked; MPRF Lost Control

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¶9. (SBU) OHCHR said that the Maoists provoked the Gaur incident by planning a mass meeting at the same time as the MPRF. In the preceding weeks, the Maoists had broken up at least three MPRF rallies and apparently planned to do the same in Gaur. Also, in spite of their peace commitments, the Maoist cadre carried socket bombs and at least one pistol. There were several minors among the Maoist dead (one to three dead appeared under the age of 18 -- one significantly so). OHCHR did not absolve the MPRF of responsibility for the massacre, but did not think the killings were premeditated, but a case of &defensive8 planning gone awry. It was possible that there were also MPRF-hired gunmen from India in the crowd. In any case, the MPRF bore responsibility for not controlling their cadre. Press reports of rape and mutilation of victim's bodies by the MPRF appeared false; OHCHR saw no evidence of such activity.

#### Gaur "Chronically Unstable"

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¶10. (SBU) MacGregor reported that Gaur was "chronically unstable," due to cross border activities, including gangs of

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politically and criminally active people, such as the Madheshi Tigers, the Terai Cougars, and certain pro-palace groups. There was also a high likelihood of Indian-based criminal and other groups operating in the area, which was just across the border from Uttar Pradesh. The overwhelming feeling in Gaur was that the people living there felt insecure on all fronts. Antipathy toward the Maoists ran very deep in the area due to past atrocities committed by the Maoists against the locals.

#### Maoist Reactions

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¶11. (SBU) Sundh stated that, while the top echelons of the Maoist party had not yet been briefed, it appeared that they would &accept a certain responsibility8 for allowing the rally to occur. OHCHR had spoken with some Maoists who had claimed the top Maoist leadership attempted to prevent the rally. OHCHR stressed that, while the Maoists bore some moral responsibility for instigating the incident, the killings that happened subsequently were by no means justified.

#### OHCHR Mandate Extended for Two Years

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¶12. (SBU) Sundh announced that OHCHR had received a formal letter from the Foreign Secretary extending its term for two more years. The only amendments to OHCHR's previous mandate were the omission of words such as &royal,8 the "King," or "Kingdom," and the addition of language that OHCHR would actively support the peace process. Sundh assured the diplomatic corps that OHCHR would focus on monitoring human rights in preparation for the Constituent Assembly elections.

#### Comment

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¶13. (C) Nepal is still feeling the aftershocks from the March 21 massacre in Gaur. The incident, in which more people

perished than in the three-week People's Movement in April 2006, was a shock to all those who had become accustomed over the past year to thinking that peace had finally dawned. The massacre no doubt contributed to India's decision to push Prime Minister Koirala to form an Interim Government with the Maoists on April 1 for fear the Terai would spin out of control. Gaur also was a wake-up call to the Maoists about the depth of animosity they faced, not just from the MPRF but from common Madhesi villagers. The MPRF has also been forced to explain how it can reconcile its peaceful program and claim of control over its cadre with the unjustified killings in Gaur. In addition, Gaur demonstrated for all to see the failure of the Government's law enforcement. We can only hope that all affected drew the appropriate lessons for the future.

MORIARTY